

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

NOV 19 2003

CLERK U. S. DISTRICT COURT
EASTERN MICHIGAN

PATENT HOLDING COMPANY,

Plaintiff,

Case No. 99-76013

v.

HONORABLE AVERN COHN

DELPHI AUTOMOTIVE SYSTEMS
CORPORATION,

Defendant.

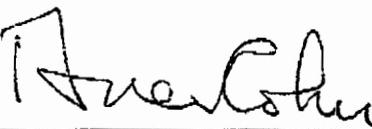
**ORDER GRANTING SUMMARY JUDGMENT OF NON-LIABILITY FOR
ACTS OF PATENT INFRINGEMENT COMMITTED BY GENERAL MOTORS
CORPORATION PRIOR TO JANUARY 1, 1999**

For reasons stated on the record on October 21, 2003, and for the additional reasons that follow, Defendant's motion for summary judgment of non-liability for acts of patent infringement committed by General Motors Corporation prior to January 1, 1999 is GRANTED. The additional reasons are:

1. Defendant did not conduct any business as a separate corporation prior to January 1, 1999.
2. Any manufacture, use and/or sale of accused air bag covers prior to January 1, 1999, was done by General Motors Corporation or a third party vendor and not by defendant.
3. Pursuant to the agreement which transferred the assets of the Delphi Automotive Systems Division of General Motors Corporation to defendant, General Motors Corporation retained liability for patent infringement prior to January 1, 1999.

4. Defendant did not assume liability for General Motors Corporation's infringing acts prior to January 1, 1999.

SO ORDERED.


AVERN COHN
UNITED STATES DISTRICT JUDGE

DATED: NOV 19 2003

Detroit, Michigan

A TRUE COPY
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
by 
JAYNE CANNERLY DEPUTY CLERK